

REMARKS

The Final Office Action dated May 27, 2005 has been reviewed and the Examiner's comments carefully considered. Claims 1-19 are pending in this application with claims 1 and 15 being independent. Claims 1 and 15 are amended. No new subject matter is believed to have been added by these amendments and support for the claims can be found in the specification as filed.

Objections to the Claims

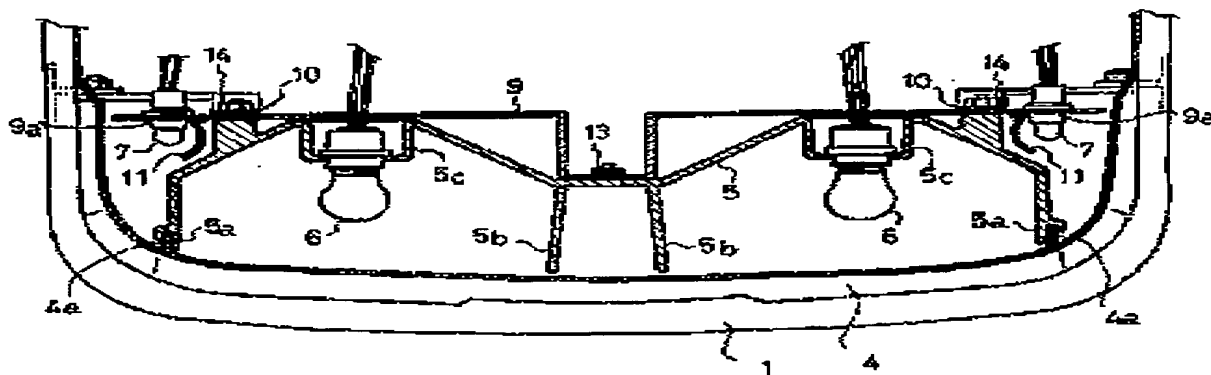
Claims 1 and 15 were objected to in the Office Action. Applicants have herein amended claims 1 and 15 to clarify and alleviate these issues in accordance with Examiner's suggested changes. Applicants respectfully request reconsideration and withdrawal of the objections presented in the Office Action.

35 U.S.C. § 102 Rejections

Claims 1-6, 10 and 13-19 stand rejected under 35 U.S.C. §102(b) for anticipation by Japanese Utility Model Application No. JP-A-4-122238U ("JP '238U").

JP '238U is directed to a headlight assembly of a tractor. However, Applicants point out that the lens unit (4) is supported through engagement between a projection (4a) of the translucent lens unit (4) and an engaging projection (5a) of the reflector (5) as illustrated in FIG. 2 taken from JP '238U. *See* JP '238U translation ¶ [0006]. The reflector (5), in turn, is supported by a mounting frame (9) as illustrated below. *See* JP '238U translation ¶ [0007]. The translucent lens unit (4), as shown in FIG. 2 below, does *not* connect to the frame (9) and is further supported by the projection (5a) of the reflector (5). *See id.*

[FIG. 2]



In contrast, independent claims 1 and 15 of the present invention recite that the lens unit is directly connected to and supported by the frame. As shown in Fig. 4 of the present application, the translucent lens (18) is contacted and supported by the frame (11) of the claimed illuminating apparatus (10) and not by any other component thereof. Claims 1 and 5 require that the lens (or light transmitting unit) is directly connected to and supported by the frame.

In contrast the lens (4) of JP '238U is contacted and supported by the reflector projections (5a) and the stays (10), with both the reflector projections (5a) and the stays (10) in turn being connected to the frame (9). The present claim language requires the claimed lens to be **directly** connected to and supported by the frame. The lens (4) of JP '238U is **not** directly connected to or supported by the frame (9). Instead, JP '238U teaches using intermediary components (reflector projections 5a and stays 10) to connect together the lens (4) and frame (9).

While Applicants understand and appreciate that pending claims are to be given the broadest reasonable interpretation, this tenet does not mean that terms are to be read out of a claim to broaden the claim meaning. An assertion that JP '238U teaches or suggests "connecting" the lens (4) and frame (9) together as presently claimed must read out the term "directly" from the claim. As admitted in the May 27, 2005 Office Action, the lens (4) is attached to the reflector (5), the reflector being attached to the frame (9). Clearly, the lens (4) is not directly attached to the frame.

The May 27, 2005 Office Action also asserts that the reflector (5) and frame (9) together constitute a single unit, i.e., a "frame", to which the lens (4) is directly connectable which supports the lens (4). However, if the "frame" is a composite structure of reflector and frame, then there is no element of a reflector that is "attached to the frame and not integral with the frame" as required by claims 1 and 15. JP '238U does not teach or suggest these limitations recited in independent claims 1 and 15. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection and further submit that claims 1 and 15 are in condition for allowance. Claims 1-6, 10 and 13-19 define over JP '238U.

Claims 1 and 15 also require that the frame supports the front illuminating unit. The front illuminating unit also has a reflector attached to the frame, with the reflector not being integral with the frame. Thus, claims 1 and 15 require that the lens unit be directly connected to the frame and that the reflector be attached to the frame. JP '238U does not teach or suggest this structure.

The Office Action considers that the "frame" of JP '238U includes both the reflector (5) and the mounting frame (9) to meet the claimed frame limitation. However, if the "frame" includes the reflector (5), there is no structure corresponding to the claimed structure of "a reflector attached to the frame and not integral with the frame". Hence, this basis for rejecting claims 1 and 5 fails. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection and further submit that claims 1 and 15 are in condition for allowance.

Further, as can be seen in FIG. 2 above, the JP '238U arrangement requires special structure on the reflector, i.e., projections (5a), and special structure on the lens, i.e., projections (4a), in order to directly connect the reflector (5) to the lens unit (4). This structure requires rigid and strong reflectors (5) to support the lens unit (4), resulting in a lack of design choices for reflector materials in order to accomplish such an arrangement. Not only does JP '238U not teach the limitations of claims 1 and 15, it teaches away from the limitations recited in claims 1 and 15. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection and further submit that claims 1 and 15 are in condition for allowance.

Claims 2-6, 10, 13, 14 and 16-19 depend either directly or indirectly from independent claims 1 or 15. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 2-6, 10, 13, 14 and 16-19 and further submit that these claims are also in condition for allowance.

35 U.S.C. § 103 Rejections

Claims 7 and 8 stand rejected under 35 U.S.C. §103(a) for obviousness over JP '238U in view of ordinary skill in the art.

Claims 7 and 8 depend indirectly from independent claim 1. As discussed above, JP '238U does not teach or suggest all of the limitations of independent claim 1, such limitations also required for claims 7 and 8. Thus, if the limitations of claim 1 have not been disclosed in the prior art cited, then the limitations of claims 7 and 8 have also not been shown in the prior art cited. As claim 1 is in condition for allowance, Applicants respectfully submit claims 7 and 8 are also in condition for allowance and request reconsideration and withdrawal of this rejection.

Claims 9, 11 and 12 stand rejected under 35 U.S.C. §103(a) for obviousness over JP '238U in view of U. S. Patent No. 6,293,686 to Hayami et al.

Application No. 10/661,833
Paper Dated September 27, 2005
In Reply to USPTO Correspondence of May 27, 2005
Attorney Docket No. 0388-031780

Claims 9, 11 and 12 depend indirectly from independent claim 1. Again, as JP '238U does not teach or suggest the limitation of claim 1, any further combination of references that may or may not support rejections of dependent claims will not cure the lack of teaching in the prior art cited against claim 1 from which these claims depend. Thus, as claim 1 is in condition for allowance, Applicants respectfully submit claims 9-12 are also in condition for allowance and request withdrawal of this rejection.

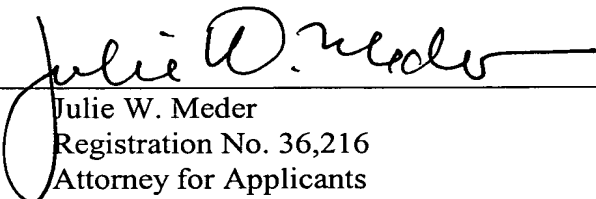
CONCLUSION

For the foregoing reasons, Applicants believe that claims 1-19 are patentable over the cited prior art and in condition for allowance. Applicants respectfully request passage of the present application to allowance.

The Commissioner is hereby authorized to charge any additional fees as set forth in 37 C.F.R. §§ 1.16 and 1.17 which may be required, or to credit any overpayment to Deposit Account No. 23-0650.

Respectfully submitted,

THE WEBB LAW FIRM

By 
Julie W. Meder
Registration No. 36,216
Attorney for Applicants
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219-1845
Telephone: 412-471-8815
E-mail: webblaw@webblaw.com
Facsimile: 412-471-4094